

JPS  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

CLERK USDC EDWI  
FILED

2022 JUN 27 A 11:00

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

vs.

Case No. 2:22-cv-0450

Hon. J.P. Stadtmueller

KAY X. YANG, and  
XAPPHIRE LLC,

**JURY TRIAL DEMANDED**

Defendants,

and

CHAO YANG,

Relief Defendant.

## NOTICE

**Immediate Processing is required for Optional Form 91 and Standard Form 28**

Attached pursuant to GSA-FAR (48 CFR) 53.228(e)

Rules and the immediate return of all properties therein.

Hand delivered and mailed to court clerk.

### **Attention: Praecepto to the Clerk**

The enclosed attached Optional Form 91 and Standard Form 28 directives and incorporated by reference are for immediate processing by the head court clerk.

Send immediately Notice confirming that property has been released from escrow to non-corporate entity, Chao Yang. I hereby request that this court release from escrow the property and liens listed in this case 2:22-cv-0450 and to direct the custodian of the aforementioned escrow account to deliver the listed property to the surety to the correct mailing address for

NOTICE TO AGENT IS NOTICE TO PRINCIPAL. NOTICE TO PRINCIPAL IS NOTICE TO AGENT

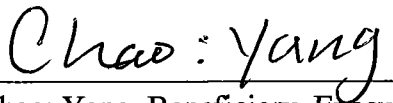
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receipt of all notices, documents, service or other lawful materials as follows:

Chao: Yang  
c/o 9855 West Hawthorne Road  
Mequon, , Wisconsin [53097]

Twenty-four of the six month year two thousand twenty-two

Respectfully Submitted:

  
Chao: Yang, Beneficiary, Executor

**AFFIDAVIT OF INDIVIDUAL SURETY***(See instructions on reverse)*

OMB Control Number: 9000-0001

Expiration Date: 3/31/2024

Paperwork Reduction Act Statement - This information collection meets the requirements of 44 USC § 3507, as amended by section 2 of the Paperwork Reduction Act of 1995. You do not need to answer these questions unless we display a valid Office of Management and Budget (OMB) control number. The OMB control number for this collection is 9000-0001. We estimate that it will take 0.3 hours to read the instructions, gather the facts, and answer the questions. Send only comments relating to our time estimate, including suggestions for reducing this burden, or any other aspects of this collection of information to: U.S. General Services Administration, Regulatory Secretariat Division (M1V1CB), 1800 F Street, NW, Washington, DC 20405.

STATE OF WISCONSIN	COUNTY OF MILWAUKEE	<b>SS.</b>
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I, the undersigned, being duly sworn, depose and say that I am: (1) the surety to the attached bond(s); (2) a citizen of the United States; and of full age and legally competent. Where the sureties are acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" as well as "severally" only for the purpose of allowing a joint action or actions against any or all of us. For all other purposes, each Surety binds itself, jointly and severally with the Principal. I recognize that statements contained herein concern a matter within the jurisdiction of an agency of the United States and the making of a false, fictitious or fraudulent statement may render the maker subject to prosecution under Title 18, United States Code Sections 1001 and 494. This affidavit is made to induce the United States of America to accept me as surety on the attached bond.

1. NAME (First, Middle, Last) (Type or Print) CHAO YANG		2A. HOME ADDRESS (Number, Street, City, State, ZIP Code) 9855 W. Hawthorne Road Mequon, Wisconsin [53097]	
3. TYPE AND DURATION OF OCCUPATION		2B. TELEPHONE NUMBER	2C. EMAIL ADDRESS
4A. NAME AND ADDRESS OF EMPLOYER (Number, Street, City, State, ZIP Code) (If self-employed, so state)		5A. NAME AND ADDRESS OF INDIVIDUAL SURETY BROKER USED (Number, Street, City, State, ZIP Code) Chao Yang 9855 W. Hawthorne Road Mequon, Wisconsin [53097]	
		5B. SURETY BROKER EMAIL ADDRESS	
4B. EMPLOYER EMAIL ADDRESS		5C. HOME TELEPHONE NUMBER	5D. BUSINESS TELEPHONE NUMBER
6A. NAME AND ADDRESS OF FINANCIAL INSTITUTION SUBMITTING THE PLEDGE OF SECURITIES ON BEHALF OF INDIVIDUAL SURETY (Number, Street, City, State, ZIP Code)  UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF WISCONSIN 517 E. Wisconsin Ave. Rm. 362 Milwaukee, WI 53202		6B. FINANCIAL INSTITUTION EMAIL ADDRESS	6C. ROUTING TRANSIT NUMBER (RTN)
		6D. CONTACT PERSON NAME BeLinda I. Mathie	6E. CONTACT PERSON TELEPHONE NUMBER (312) 353-7390
		6F. CONTACT PERSON EMAIL ADDRESS mathieb@sec.gov	

7. THE FOLLOWING IS A TRUE REPRESENTATION OF THE ASSETS I HAVE PLEDGED TO THE UNITED STATES IN SUPPORT OF THE ATTACHED BOND. (LIST THE COMMITTEE ON UNIFORM SECURITIES IDENTIFICATION PROCEDURES (CUSIP) NUMBER AND PAR (FACE) AMOUNT OF EACH SECURITY).

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SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs. Case No.

KAY X. YANG, and

XAPPHIRE LLC,

Defendants,

and

CHAO YANG,

Relief Defendant.

## INSTRUCTIONS

1. Individual sureties on bonds executed in connection with Government contracts must complete and submit this form with the bond. (See Federal Acquisition Regulation (FAR) 28.203, 53.228(e).) The surety must have the completed form notarized.
2. No corporation, partnership, or other unincorporated association or firm, as such, is acceptable as an individual surety (i.e. must be a natural person). Likewise, members of a partnership are not acceptable as sureties on bonds that a partnership or an association, or any co-partner or member thereof, is the principal obligor. An individual surety will not include any financial interest in assets connected with the principal on the bond that this affidavit supports.
3. United States citizenship is a requirement for individual sureties for contracts and bonds when the contract is awarded in the United States. However, when the Contracting Officer is located in an outlying area or a foreign country, the individual surety is only required to be a permanent resident of the area or country in which the contracting officer is located.
4. All signatures of the affidavit submitted must be originals. Affidavits bearing reproduced signatures are not acceptable. An authorized person must sign the bond. Any person signing in a representative capacity (e.g., an attorney-in-fact) must furnish evidence of authority if that representative is not a member of a firm, partnership, or joint venture, or an officer of the corporation involved.

RELEASE OF PERSONAL PROPERTY FROM ESCROW

Whereas CHAO YANG, of 9855 W. Hawthorne Rd., Mequon, WI, by a bond  
(Name) (Place of Residence)  
for the performance of U.S. Government Contract Number 372-17-1216,  
became a surety for the complete and successful performance of said contract, and Whereas said  
surety has placed certain personal property in escrow

in Account Number 2:22-cv-00450 on deposit

at UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF WISCONSIN  
(Name of Financial Institution)

located at 517 E. Wisconsin Ave. Rm. 362 Milwaukee, WI 53202, and  
(Address of Financial Institution)

Whereas I, Chao Yang, Beneficiary, being a duly authorized  
representative of the United States government as a warranted contracting officer, have determined  
that retention in escrow of the following property is no longer required to ensure further performance  
of the said Government contract or satisfaction of claims arising therefrom:

SECURITIES AND EXCHANGE COMMISSION,  
Plaintiff,  
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KAY X. YANG, and  
XAPPHIRE LLC,  
Defendants,  
and  
CHAO YANG,  
Relief Defendant.

and

Whereas the surety remains liable to the United States Government for the continued performance of  
the said Government contract and satisfaction of claims pertaining thereto.

Now, therefore, this agreement witnesseth that the Government hereby releases from escrow the  
property listed above, and directs the custodian of the aforementioned escrow account to deliver the  
listed property to the surety. If the listed property comprises the whole of the property placed in  
escrow in the aforementioned escrow account, the Government further directs the custodian to close  
the account and to return all property therein to the surety, along with any interest accruing which  
remains after the deduction of any fees lawfully owed to

Chao Yang  
(Name of Financial Institution)

VOID WHERE PROHIBITED BY LAW

06/15/2022  
[Date]

Chao Yang  
[Signature]

Seal

AUTHORIZED FOR LOCAL REPRODUCTION

OPTIONAL FORM 91 (1-90)  
Prescribed by GSA-FAR (48 CFR) 53.228(o)